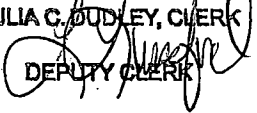


OCT 21 2016

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

SOUTHERN APPALACHIAN
MOUNTAIN STEWARDS, SIERRA
CLUB, and APPALACHIAN VOICES

Plaintiffs,

v.

CIVIL ACTION NO. 2:12cv0009

A & G COAL CORPORATION,

Defendant.

AMENDMENT TO CONSENT DECREE

1. This Order amends this Court's January 11, 2016 Consent Decree in this action (Doc. 148).

2. The Court finds that unforeseen circumstances justify the amendment of the Consent Decree to permit the expenditure of Supplemental Environmental Project funds paid by Defendant A&G Coal Corporation to a third-party, the Upper Tennessee River Roundtable ("UTRR"). In particular, the pond project described at subsection V.14.b of the Consent Decree cannot be completed as contemplated and the Blackwood reclamation project described at subsection V.14.c of the Consent Decree will cost less than projected. The purpose of this Consent Decree is to permit such unused funds to be spent, by the parties' mutual agreement, on an alternate reclamation project designated the Blue Hole Project, or otherwise as provided herein.

3. Accordingly, subsection V.14.b is rescinded and replaced with the following language:

Complete reclamation of an abandoned loadout known as the Blue Hole Project, as designated by the Virginia Department of Mining, Minerals and Energy (“DMME”). The Blue Hole Project is 4.16 acres located approximately located 1.7 miles Northwest of Pennington Gap, Virginia and 1.34 miles Northeast of the intersection of RT 606 and US 421. The site was used after August 3 1977, and is therefore not available public Abandoned Mine Land Funding.

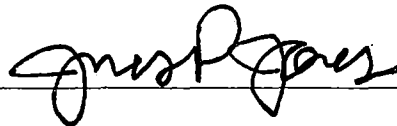
4. Subsection V.14.c is rescinded and replaced with the following language: Complete reclamation of an abandoned steel loadout site near Blackwood, Virginia. The loadout is directly adjacent to old Rt. 23 and is also directly adjacent to the Powell River. This site was also used after August 3, 1977 is not eligible for public Abandoned Mine Land funding. Complete reclamation will reduce or eliminate pollutant discharges from the loadout into the Powell River. Funds remaining following completion, if any, shall be paid toward completion of the Blue Hole Project described above.

5. The following language is added: Should UTRR be unable to spend any of the funds provided by A&G on the Blue Hole Project, UTRR will exclusively use such funds on a substantially similar coal remediation project within the Power River watershed.

5. Subsection V.19.h is rescinded and Defendant’s obligation to report the results of the projects is extended to December 31, 2017.

6. Except as noted herein, the Court’s January 22, 2016 Consent Decree remains unchanged.

ENTERED: October 21, 2016



JAMES P. JONES
UNITED STATES DISTRICT COURT JUDGE

For the Plaintiffs Southern Appalachian Mountain Stewards, Appalachian Voices, and
Sierra Club:

/s/ Isak Howell

Dated: 8/8/2016

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/s/ Dustin Deane

Dated: 8/8/2016

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Dated: 8/8/2016

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